

ENROLLED ORIGINAL

A RESOLUTION

17-233

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 21, 2007

To declare the sense of the Council in support of the Fire and Emergency Medical Services Department's District-wide initiative, named the A-sia Sutton Smoke Alarm Giveaway and Installation program, to ensure that all District of Columbia homes have working smoke detectors.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Sense of the Council in Support of the A-sia Sutton Smoke Alarm Giveaway and Installation Program Resolution of 2007".

Sec. 2. The Council finds that:

- (1) Of all fire-related deaths, 83% occur in the home. In 2006, the District of Columbia lost 12 residents due to fire, 2 of them children; nationwide, 3,675 lives were lost.
- (2) Of fire fatalities in the United States, 75% occurred where either no smoke alarms were present or those that were did not operate properly. The presence of an operable smoke detector substantially reduces risk of death in residential fires. The home of A-sia Sutton, the District's youngest fire fatality in 2007, did not have an operational smoke detector.
- (3) It is the goal of the Mayor, Fire Chief, and this Council to ensure that every household in the District has working smoke detectors. Under the A-sia Sutton Smoke Alarm Giveaway and Installation program, the Fire and Emergency Medical Services Department ("FEMS") will make them available to citizens at no charge. If a citizen requires installation assistance, FEMS will provide that assistance.

Sec. 3. It is the sense of the Council that the A-sia Sutton Smoke Alarm Giveaway and Installation program to ensure that all District of Columbia homes have working smoke detectors is a sensitive and praiseworthy initiative to help prevent injuries and the tragic loss of life due to fire, which the Council supports and for which it commends FEMS.

Sec. 4. The Secretary to the Council shall transmit a copy of this resolution, upon its adoption, to the Mayor.

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Sec. 5. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

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A RESOLUTION

17-234

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 21, 2007

To amend the Council Period 17 Appointment of Chairperson Pro Tempore, Committee Chairpersons, and Committee Membership Resolution of 2007 to revise the membership of the Council committees due to the filling of vacant Council seats.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Council Period 17 Revised Committee Membership Amendment Resolution of 2007".

Sec. 2. Section 3 of Council Period 17 Appointment of Chairperson Pro Tempore, Committee Chairpersons, and Committee Membership Resolution of 2007, effective January 3, 2007 (Res. 17-2; 54 DCR 235), is amended as follows:

(a) Paragraph (1) is amended by striking the phrase "the Ward 4 Councilmember, and the Ward 7 Councilmember." and inserting the phrase "Marion Barry, and Tommy Wells." in its place.

(b) Paragraph (4) is amended by striking the phrase "the Ward 4 Councilmember, and the Ward 7 Councilmember." and inserting the phrase "Muriel Bowser, and Yvette Alexander." in its place.

(c) Paragraph (5) is amended by striking the name "Marion Barry" and inserting the name "Muriel Bowser" in its place.

(d) Paragraph (6) is amended by striking the name "Tommy Wells" and inserting the name "Yvette Alexander" in its place.

(e) Paragraph (7) is amended by striking the phrase "the Ward 4 Councilmember, and the Ward 7 Councilmember." and inserting the phrase "Muriel Bowser, and Yvette Alexander." in its place.

(f) Paragraph (9) is amended by striking the phrase "the Ward 4 Councilmember, and the Ward 7 Councilmember." and inserting the phrase "Muriel Bowser, and Yvette Alexander." in its place.

Sec. 3. This resolution shall take effect immediately.

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A RESOLUTION

17-235

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 21, 2007

To declare the existence of an emergency with respect to the need to amend section 28-3911 of the District of Columbia Official Code to increase the maximum amount that may be maintained in the District of Columbia Consumer Protection Fund.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "District of Columbia Consumer Protection Fund Emergency Declaration Resolution of 2007".

Sec. 2. (a) There exists an immediate need to increase the maximum amount that may be maintained in the District of Columbia Consumer Protection Fund.

(b) The Council established the District of Columbia Consumer Protection Fund to create a self-sufficient and pro-active consumer protection program. The existing \$1.49 million cap was set at an amount thought to be adequate for this purpose. However, since the date of original enactment, the consumer protection program implemented by the Office of the Attorney General has been successful, has grown in size and scope, and now needs the additional resources a higher cap will provide to carry out the Council's original intent.

(c) The Council's decision to fund the Department of Consumer and Regulatory Affairs' new Office of Consumer Protection has created a need for additional litigation staff at the Office of Attorney General to handle the increased number of consumer protection cases.

(d) The Office of the Attorney General is participating in a multistate consumer protection settlement with a major pharmaceutical company that will soon bring in \$949,500 for the District of Columbia Consumer Protection Fund ("Fund"). The Fund currently has over \$1 million in it, which means that receipt of the \$949,500 will cause the Fund to exceed the \$1.49 million statutory cap. Raising the cap will allow the Office of Attorney General to keep these funds and use them to support the ongoing expansion of the District's consumer protection program.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the District of Columbia Consumer Protection Fund Emergency Amendment Act of 2007 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

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A RESOLUTION

17-236

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 21, 2007

To declare the existence of an emergency with respect to the need to provide authority for third parties to petition for legal custody of children and youth in order to provide them with a safe and stable home.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Safe and Stable Homes for Children and Youth Emergency Declaration Resolution of 2007".

Sec. 2. (a) There exists an immediate need in the District of Columbia with respect to the ability of non-parent third parties to petition for legal custody of children and youth in order to provide them with a safe and stable home.

(b) Bill 17-41, the Safe and Stable Homes for Children and Youth Amendment Act of 2007, would establish in law the ability of certain persons other than parents to seek and obtain custody of a child when the child's best interest so requires.

(c) The Committee on Human Services held a public hearing on Bill 17-41 on February 8, 2007, and marked it up on March 23, 2007. The Committee on Public Safety and the Judiciary held a public roundtable on Bill 17-41 on April 24, 2007, and marked it up on June 4, 2007. The Council adopted Bill 17-41 on first reading on June 5, 2007, and on final reading on June 21, 2007.

(d) The bill was triggered by a decision of the District of Columbia Court of Appeals (*W.D. v. C.S.M.*) that was construed by many as forbidding custody actions by third parties (i.e. persons who are not parents). The many children in the District of Columbia who are being cared for by grandparents, other relatives, stepparents, godparents, or someone else fully committed to raising the child, are denied the stability that comes from a custody order. The bill rectifies that problem while carefully protecting the rights of parents.

(e) Since acts passed by the Council are subject to a 30-day Congressional review period and Congress is approaching its August recess, Bill 17-41 is unlikely to become law until this fall.

(f) This emergency legislation is necessary to allow third parties to immediately begin to petition for custody.

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(g) The protections afforded by the legislation protect the well-being and safety of children and youth in the District of Columbia and are needed immediately.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Safe and Stable Homes for Children and Youth Emergency Amendment Act of 2007 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

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A RESOLUTION

17-237

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 21, 2007

To declare the existence of an emergency with respect to the need to modernize the chartering of banks in the District.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Bank Charter Modernization Emergency Declaration Resolution of 2007".

Sec. 2. (a) The District of Columbia is the only jurisdiction in the United States to require legislative approval of bank charter applications. This outdated requirement has resulted in the District having only 3 chartered banks.

(b) No bank charter application can be approved during periods when the Council is in recess.

(c) Several months ago, Industrial Bank of Washington filed an application to switch its federal bank charter to a District bank charter. Industrial Bank seeks to become the District's 4th chartered bank and the first District-chartered bank to switch its charter. Founded in 1934, Industrial Bank is the oldest and largest minority-owned commercial bank in the metropolitan Washington region. With 150 employees and more than \$330 million in assets, it is also the 4th largest minority-owned financial institution in the country.

(d) It is highly likely that Industrial Bank's charter application will be approved by the Department of Insurance, Securities, and Banking while the Council is in recess. However, because of existing District bank chartering law, Industrial Bank's charter application would have to wait until September before it could be introduced in the Council. This long delay would result in Industrial Bank incurring significant costs for maintaining its federal charter, even though it seeks to switch to a District charter.

(e) Permanent legislation (Bill 17-166, the Bank Charter Modernization Amendment Act of 2007) has been introduced and a public hearing was held by the Committee on Public Services and Consumer Affairs on June 18, 2007. The Committee has received no opposition to the permanent legislation.

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(f) Were it not for the outdated requirement of Council approval of District charters, Industrial Bank could receive its District charter during the Council's summer recess and begin operations as the city's 4th chartered bank. Because Industrial Bank has been in business for 7 decades, has a large and thriving customer base, and has significant assets, it would instantly become the District's largest chartered bank.

(g) The current law puts the District at a significant competitive disadvantage to its surrounding jurisdictions. By enacting this legislation, the District is sending a message to the financial services and banking communities that it is serious about removing unnecessary and outdated impediments to business. By encouraging the growth of District-headquartered financial services industries, the District benefits from an expanded tax base, greater employment opportunities for its residents, and greater investment in the local community.

(h) The emergency legislation will not lessen the intensive application review procedures conducted by the Department of Insurance, Securities, and Banking and will not dilute the requirements of the District's Community Development Act requirements, which addresses the banking needs of our lower- and moderate-income residents.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Bank Charter Modernization Emergency Amendment Act of 2007 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

17-238

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 21, 2007

To declare the existence of an emergency with respect to the need to clarify that the exemption from the alcohol retailer's license prohibition in a residential-use district shall apply if, at the time the application for a new license is submitted to the Alcoholic Beverage Control Board, a license of the same class is operating an establishment within 400 feet of the applicant.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Retail Class Exemption Clarification Emergency Declaration Resolution of 2007".

Sec. 2. (a) Under the District's laws, alcohol beverage retailers are divided into 2 categories: on-premises and off-premises retailers. Off-premises retailer types include liquor stores, while on-premises retailer types include restaurants, taverns, and multipurpose facilities.

(b) All retailer types are further categorized as Class C, which are permitted to sell spirits, wine, and beer, or Class D, which are permitted to sell only wine and beer.

(c) Current District law restricts the location of alcohol retail licensees in residential areas in 2 separate places. District zoning law generally prohibits commercial uses, including restaurants, in residential areas, except by a zoning special exception. Alcoholic Beverage Control ("ABC") law prohibits retailer licensees in residential areas with one exception. To qualify for the exception, at the time of the application, a license of the same type and class must be operating within 400 feet of the applicant.

(d) This emergency legislation corrects an anomaly in the law that prevents desired businesses from operating in certain areas, such as university campuses, by requiring only that a licensee of the same class be operating within 400 feet of an applicant. Currently, if a community and its Advisory Neighborhood Commission wholeheartedly support an alcoholic beverage license for premises located within a residential zone, and the applicant obtains zoning relief, the Alcoholic Beverage Control Board cannot consider the application because of this narrow exception.

(e) These establishments are desirable to neighborhoods that want these types of options and that have been traditionally under-served by sit-down restaurants.

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(f) Tonic is a restaurant that is currently operating without a liquor license and is located in the recently-restored site of the historic Quigley's pharmacy, on the campus of George Washington University in Foggy Bottom. Tonic has obtained a zoning exception through the University's Campus Plan but because of this anomaly in the law cannot apply for an ABC license because the establishment already operating within 400 feet of its site is a CX licensee, a multipurpose facility.

(g) This emergency legislation will not "open the flood gates" to licensees in residential neighborhoods. In fact, neighborhoods that do not currently have licensees will be unable to avail themselves of the exception to the ABC prohibition. Only when there has been a decision authorizing restaurant use in a residential neighborhood after a full-blown zoning review process, will a potential licensee have the right to apply for a license in a residential zone, and then only if there is another license of the same class within 400 feet.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Retail Class Exemption Clarification Emergency Act of 2007 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

17-239

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 21, 2007

To declare the existence of an emergency with respect to the need to prohibit the electric company from shutting off service when the temperature is forecasted to be 93 degrees Fahrenheit or above.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Heat Wave Safety Emergency Declaration Resolution of 2007".

Sec. 2. (a) There exists an immediate need to protect District of Columbia residents who are vulnerable to the negative health impacts that may be caused by periods of extreme heat and who may be unable to cool their homes if their electricity is shut off.

(b) District law prohibits utilities from disconnecting their service when the forecast predicts the temperature will be 32 degrees Fahrenheit or below during the following 24 hours.

(c) Exposure to extreme heat is more likely to cause people to experience negative health consequences, including death, than extreme cold, and yet the District law does not contain a prohibition on disconnection of electricity service during or directly preceding periods of extreme heat analogous to the prohibition on disconnections during or directly preceding periods of extreme cold.

(d) While June 21 marks the official beginning of summer, residents of the District of Columbia have already been subjected to temperatures exceeding 95 degrees Fahrenheit and face even higher temperatures as the summer proceeds.

(e) Enacting a moratorium on the disconnection of electricity during or directly preceding periods of extreme heat will provide a measure of security for the residents of the District of Columbia without creating undue hardship for the electric company.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Heat Wave Safety Emergency Amendment Act of 2007 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

17- 240

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 21, 2007

To declare the existence of an emergency with respect to the need to approve a multiyear contract with the See Forever Foundation to provide educational services to youths committed to the Oak Hill Youth Center.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Contract No. DCJZ-2007-C-0002 Approval and Payment Authorization Emergency Declaration Resolution of 2007".

Sec. 2. (a) There exists an immediate need to approve a definitized contract to provide educational services to youths committed to the Oak Hill Youth Center and to authorize payment for the goods and services received and to be received under this contract.

(b) On April 30, 2007, the Office of Contracting and Procurement, on behalf of the Department of Youth Rehabilitation Services, awarded a letter contract to the See Forever Foundation ("SFF") to provide educational services to youths at the Oak Hill Youth Center for 90 days. The Office of Contracting and Procurement now proposes to definitize the contract and enter into a multiyear contract with SFF for 3 years, from April 30, 2007. These critical educational services can only be obtained through an award of the multiyear contract with SFF.

(c) The estimated total expenditure under the multiyear contract with SFF is \$12,256,711.

(d) Council approval is necessary to allow the District to continue to receive the benefit of these vital services from SFF.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Contract No. DCJZ-2007-C-0002 Approval and Payment Authorization Emergency Act of 2007 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.